

## **Chapter 14.18**

### **WATER MANAGEMENT PROGRAM**

(3104-4/91, 3810-9/08, 3849-1/10)

#### **Sections:**

- 14.18.010 Title
- 14.18.020 Purpose and Intent
- 14.18.030 Definitions
- 14.18.040 Application
- 14.18.050 Permanent Water Conservation Requirements – Prohibition Against Waste
- 14.18.060 Level 1 Water Supply Shortage
- 14.18.070 Level 2 Water Supply Shortage
- 14.18.080 Level 3 Water Supply Shortage – Emergency Conditions
- 14.18.090 Procedures for Determination and Notification of Water Supply Shortage
- 14.18.100 Hardship Waiver
- 14.18.110 Violation – Penalty
- 14.18.120 Severability

#### **14.18.010 Title.** (3104-4/91, 3849-1/10)

This chapter will be known as the City of Huntington Beach Water Conservation and Water Supply Shortage Program. (3104-4/91, 3849-1/10)

#### **14.18.020 Purpose and Intent.** (3104-4/91, 3849-1/10)

- a. The purpose of this chapter is to establish a water conservation and supply shortage program that will reduce water consumption within the City of Huntington Beach through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the City of Huntington Beach to avoid and minimize the effect and hardship of water shortage to the greatest extent possible. (3104-4/91, 3849-1/10)
- b. This chapter establishes permanent water conservation standards intended to alter behavior related to water use efficiency at all times and further establishes three levels of water supply shortage response actions to be implemented during times of declared water shortage or declared water shortage emergency, with increasing restrictions on water use in response to worsening drought or emergency conditions and decreasing supplies.  
(3104-4/91, 3849-1/10)

#### **14.18.030 Definitions.** (3104-4/91, 3849-1/10)

- a. For purposes of this Chapter, the following words and phrases shall have the meaning hereafter set forth unless a different meaning is clearly intended from the context in which such word or phrase is used. Any word or phrase not herein defined shall have the meaning attributed to it in ordinary usage. (3104-4/91, 3849-1/10)
  - 1. **“Person”** means any natural person or persons, corporation, public or private entity, governmental agency or institution, including all agencies

and departments of City of Huntington Beach or any other user of water provided by City of Huntington Beach. (3104-4/91, 3849-1/10)

2. **“Landscape irrigation system”** means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that are operated by hand or through an automated system. (3104-4/91, 3849-1/10)
3. **“Large landscape areas”** means a lawn, landscape, or other vegetated area, or combination thereof, equal to more than one (1) acre of irrigable land. (3104-4/91, 3849-1/10)
4. **“Single pass cooling systems”** means equipment where water is circulated only once to cool equipment before being disposed. (3104-4/91, 3849-1/10)
5. **“Potable water”** means water which is suitable for drinking. (3104-4/91, 3849-1/10)
6. **“Recycled water”** means the reclamation and reuse of non-potable water for beneficial use as defined in Title 22 of the California Code of Regulations. (3104-4/91, 3849-1/10)
7. **“Billing unit”** means the unit of water used to apply water rates for purposes of calculating water charges for a person’s water usage and equals 748 gallons. (3104-4/91, 3849-1/10)

**14.18.040 Application.** (3104-4/91, 3849-1/10)

- a. The provisions of this chapter apply to any person in the use of any potable water provided by the City of Huntington Beach. (3104-4/91, 3849-1/10)
- b. The provisions of this chapter do not apply to uses of water necessary to protect public health and safety or for essential government services, such as police, fire and other similar emergency services. (3104-4/91, 3849-1/10)
- c. The provisions of this chapter do not apply to the use of recycled water, with the exception of Section 14.18.050(a). (3104-4/91, 3849-1/10)
- d. The provisions of this chapter do not apply to the use of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs, crops or other vegetation intended for commercial sale. (3104-4/91, 3849-1/10)
- e. This chapter is intended solely to further the conservation of water. It is not intended to implement any provision of Federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any stormwater ordinances and stormwater management plans. (3104-4/91, 3849-1/10)

#### **14.18.050 Permanent Water Conservation Requirements – Prohibition Against Waste.**

(3104-4/91, 3810-9/08, 3849-1/10)

The following water conservation requirements are effective at all times and are permanent. Violations of this section will be considered waste and an unreasonable use of water.

(3104-4/91, 3810-9/08, 3849-1/10)

- a. Limits on Watering Hours: Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited between the hours of 9:00 a.m. and 5:00 p.m. Pacific Standard Time on any day, except by use of a hand-water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system. (3104-4/91, 3810-9/08, 3849-1/10)
- b. Limit on Watering Duration: Watering or irrigating of lawn, landscape or other vegetated area with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than fifteen (15) minutes watering per day per station. This subsection does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour and weather based controllers or steam rotor sprinklers that meet a 70% efficiency standard. (3104-4/91, 3810. 9/08, 3849-1/10)
- c. No Excessive Water Flow or Runoff: Watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter or ditch is prohibited. (3104-4/91, 3810-9/08, 3849-1/10)
- d. No Washing Down Hard or Paved Surfaces: Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device, a low-volume, high-pressure cleaning machine equipped to recycle any water used, or a low-volume high-pressure water broom. (3104-4/91, 3810-9/08, 3849-1/10)
- e. Obligation to Fix Leaks, Breaks or Malfunctions: Excessive loss or escape of water through breaks, leaks or other malfunctions in the water user's plumbing or distribution system for any period of time after such escape of water should have reasonably been discovered and corrected and in no event more than seven (7) days of receiving notice from the City of Huntington Beach, is prohibited. (3104-4/91, 3810-9/08, 3849-1/10)
- f. Re-circulating Water Required for Water Fountains and Decorative Water Features: Operating a water fountain or other decorative water feature that does not use re-circulated water is prohibited. (3104-4/91, 3810-9/08, 3849-1/10)
- g. Limits on Washing Vehicles: Use water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This subsection does not apply to any commercial car washing facility. (3104-4/91, 3810-9/08, 3849-1/10)

- h. Drinking Water Served Upon Request Only: Eating or drinking establishments, including but not limited to a restaurant, hotel, café, cafeteria, bar, or other public place where food or drinks are sold, served, or offered for sale, are prohibited from providing drinking water to any person unless expressly requested.  
(3104-4/91, 3810-9/08, 3849-1/10)
- i. Commercial Lodging Establishments Must Provide Guests Option to Decline Daily Linen Services: Hotels, motels and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option in each bathroom using clear and easily understood language.  
(3104-4/91, 3810-9/08, 3849-1/10)
- j. No Installation of Single Pass Cooling Systems to Domestic Water Supplies: Installation of single pass cooling systems is prohibited in buildings requesting new water service. (3104-4/91, 3810-9/08, 3849-1/10)
- k. No Installation of Non-re-circulating in Commercial Car Wash and Laundry Systems: Installation of non-recirculating water systems is prohibited in new commercial conveyor car wash and new commercial laundry systems.  
(3104-4/91, 3810-9/08, 3849-1/10)
- l. Restaurants Required to Use Water Conserving Dish Wash Spray Valves: Food preparation establishments, such as restaurants or cafes, are prohibited from using non-water conserving dish wash spray valves. (3104-4/91, 3810-9/08, 3849-1/10)
- m. Commercial Car Wash Systems: Effective on January 1, 2010, all new commercial conveyor car wash systems must have installed operational re-circulating water systems, or must have secured a waiver of this requirement from the City of Huntington Beach. (3104-4/91, 3810-9/08, 3849-1/10)

**14.18.060 Level 1 Water Supply Shortage.** (3104-4/91, 3849-1/10)

- a. A Level 1 Water Supply Shortage exists when the City of Huntington Beach determines, in its sole discretion, that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the City of Huntington Beach of a Level 1 Water Supply Shortage condition, the City of Huntington Beach will implement the mandatory Level 1 conservation measures identified in this section. (3104-4/91, 3849-1/10)
- b. Additional Water Conservation Measures: In addition to the prohibited uses of water identified in Section 14.18.050, the following water conservation requirements apply during a declared Level 1 Water Supply Shortage:  
(3104-4/91, 3849-1/10)
  - 1. Limits on Watering Days: Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to three days per week on a schedule established and posted by the City of Huntington Beach. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than one day per week on a schedule established and posted by the City of Huntington Beach. This provision does not apply to landscape

irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system. (3104-4/91, 3849-1/10)

2. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within seventy-two (72) hours of notification by the City of Huntington Beach unless other arrangements are made with the City of Huntington Beach. (3104-4/91, 3849-1/10)

**14.18.070 Level 2 Water Supply Shortage.** (3104-4/91, 3849-1/10)

- a. A Level 2 Water Supply Shortage exists when the City of Huntington Beach determines, in its sole discretion that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a consumer demand reduction is necessary to make more efficient use of water and approximately respond to existing water conditions. Upon the declaration by the City of Huntington Beach of a Level 2 Water Supply Shortage condition, the City of Huntington Beach will implement the mandatory Level 2 conservation measures identified in this section. (3104-4/91, 3849-1/10)
- b. **Additional Conservation Measures:** In addition to the prohibited uses of water identified in Section 14.18.050 and 14.18.060, the following additional water conservation requirements apply during a declared Level 2 Water Supply Shortage: (3104-4/91, 3849-1/10)
  1. **Watering Days:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to two days per week on a schedule established and posted by the City of Huntington Beach. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than one day per week on a schedule established and posted by the City of Huntington Beach. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system. (3104-4/91, 3849-1/10)
  2. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within forty-eight (48) hours of notification by the City of Huntington Beach unless other arrangements are made with the City of Huntington Beach. (3104-4/91, 3849-1/10)
  3. **Limits on Filling Ornamental Lakes or Ponds:** Filling or re-filling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and

have been actively managed within the water feature prior to declaration of a supply shortage level under this ordinance. (3104-4/91, 3849-1/10)

4. Limits on Washing Vehicles: Using water to wash or clean a vehicle, including but not limited to, any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not, is prohibited except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, by high pressure/low volume wash systems, or at a commercial car washing facility that utilizes a re-circulating water system to capture or reuse water. (3104-4/91, 3849-1/10)
5. Limits on Filling Residential Swimming Pools & Spas: Re-filling of more than one foot and initial filling of residential swimming pools or outdoor spas with potable water is prohibited. (3104-4/91, 3849-1/10)

**14.18.080 Level 3 Water Supply Shortage – Emergency Condition.** (3849-1/10)

- a. A Level 3 Water Supply Shortage condition is also referred to as an “Emergency” condition. A Level 3 condition exists when the City of Huntington Beach declares a water shortage emergency and notifies its residents and businesses that a significant reduction in consumer demand is necessary to maintain sufficient water supplies for public health and safety. Upon the declaration of a Level 3 Water Supply Shortage condition, the City of Huntington Beach will implement the mandatory Level 3 conservation measures identified in this section. (3849-1/10)
- b. Additional Conservation Measures: In addition to the prohibited use of water identified in Section 14.18.050, 14.18.060 and 14.18.070, the following water conservation requirements apply during a declared Level 3 Water Supply Shortage Emergency: (3849-1/10)
  1. Watering or Irrigating: Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited. This restriction does not apply to the following categories of use, unless the City of Huntington Beach has determined that recycled water is available and may be applied to the use: (3849-1/10)
    - i. Maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container, hand-held hose equipped with a positive self-closing water shut-off nozzle or device; (3849-1/10)
    - ii. Maintenance of existing landscape necessary for fire protection; (3849-1/10)
    - iii. Maintenance of existing landscape for soil erosion control; (3849-1/10)
    - iv. Maintenance of plant materials identified to be rare or essential to the well-being of protected species; (3849-1/10)
    - v. Maintenance of landscape with active public parks and playing fields, day care centers, golf course greens, and school grounds, provided that such irrigation does not exceed two (2) days per week according to the schedule established in Section

14.18.070(b)(1) and time restrictions in Section 14.18.050(a) and 14.18.060(b)(1); (3849-1/10)

vi. Actively irrigated environmental mitigation projects.  
(3849-1/10)

2. Obligation to Fix Leaks, Breaks or Malfunctions: All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within twenty-four (24) hours of notification by the City of Huntington Beach unless other arrangements are made with the City of Huntington Beach. (3849-1/10)

3. a. New Potable Water Service: Upon declaration of a Level 3 Water Supply Shortage Emergency condition, no new potable water service will be provided, no new temporary meters or permanent meters will be provided, and no statements of immediate ability to serve or provide potable water service (such as, will-serve letters, certificates, or letters of availability) will be issued, except under the following circumstances: (3849-1/10)

1. A valid, unexpired building permit has been issued for the project; or (3849-1/10)

2. The project is necessary to protect the public health, safety, and welfare; or (3849-1/10)

3. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the City of Huntington Beach.  
(3849-1/10)

This provision does not preclude the resetting or turn-on of meters to provide continuation of water service or the restoration of service that has been interrupted for a period of one year or less.  
(3849-1/10)

Or

b. Limits on Building Permits: The City of Huntington Beach will limit or withhold the issuance of building permits which require new or expanded water service, except to protect the public health, safety and welfare, or in cases which meet the City of Huntington Beach's adopted conservation offset requirements. (3849-1/10)

4. Discontinue Service: The City of Huntington Beach, in its sole discretion, may discontinue service to consumers who willfully violate provisions of this section. (3849-1/10)

5. New Annexations: Upon the declaration of a Level 3 Water Supply Shortage condition, the City of Huntington Beach will suspend consideration of annexations to its service area. This subsection does not apply to boundary corrections and annexations that will not result in any increased use of water.  
(3849-1/10)

#### **14.18.090 Procedures for Determination and Notification of Water Supply**

##### **Shortage.** (3849-1/10)

- a. The City's Director of Public Works and the City Administrator, or their designated representatives, are authorized and directed by the City Council to implement the provisions of this Chapter. The Director of Public Works shall make such rules and regulations as may be necessary, reasonable and proper to enforce the provisions of this Code. A copy of any rule or regulation promulgated by the Director shall be provided to the City Council. (3849-1/10)
- b. The City shall monitor the projected supply and demand for water by its customers. The Director of Public Works shall determine the extent of the conservation required through the implementation and/or termination of particular conservation stages in order for the City to prudently plan for and supply water to its customers. The existence of Level 1, Level 2 or Level 3 water supply shortage conditions shall be declared by Resolution of the City of Huntington Beach adopted at a regular or special public meeting held in accordance with state law. The mandatory conservation requirements applicable to Level 1, Level 2 or Level 3 conditions, will take effect on the tenth day after the date the shortage level is declared. Within five (5) days following the declaration of the shortage level, the City of Huntington Beach shall publish a copy of the Resolution in a newspaper used for publication of official notices. If the City of Huntington Beach activates a water allocation process, it shall provide notice of the activation by including it in the regular billing statement or by any other mailing to the address to which the City of Huntington Beach customarily mails the billing statement for fees or charges for on-going water service. A water allocation process will be effective on the fifth day following the date of mailing or at such later date as specified in the notice. (3849-1/10)
- c. In case of local emergencies as defined under the Huntington Beach Municipal Code, the City Administrator shall have the authority to order the implementation of the appropriate level of water conservation subject to ratification by the City Council within seven (7) days thereafter or such order shall have no further force or effect. (3849-1/10)

##### **14.18.100 Hardship Waiver.** (3849-1/10)

- a. Undue and Disproportionate Hardship: If, due to unique circumstances, a specific requirement of this chapter would result in undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water users, then the person may apply to the City Administrator for a waiver to the requirements as provided in this section. (3849-1/10)
- b. Written Finding: The waiver may be granted or conditionally granted only upon a written finding of the existence of facts demonstrating an undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property. (3849-1/10)
  1. Application: Application for a waiver must be on a form prescribed by the City of Huntington Beach and accompanied by a non-refundable processing fee in an amount set by City of Huntington Beach resolution of the City Council. (3849-1/10)



2. **Supporting Documentation:** The application must be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant. (3849-1/10)
3. **Required Findings for Waiver:** An application for a waiver will be denied unless the City Administrator finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the City of Huntington Beach or its Agent, all of the following:  
(3849-1/10)
  - i. That the waiver does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses;  
(3849-1/10)
  - ii. That because of special circumstances applicable to the property or its use, the strict application of this chapter would have a disproportionate impact on the property or use that exceeds the impacts to residents and businesses generally; (3849-1/10)
  - iii. That the authorizing of such waiver will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the City of Huntington Beach to effectuate the purpose of this chapter and will not be detrimental to the public interest; and  
(3849-1/10)
4. **Approval Authority:** The City Administrator shall act upon any completed application no later than ten (10) days after submittal and may approve, conditionally approve, or deny the waiver. The applicant requesting the waiver shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a waiver is approved, the waiver will apply to the subject property during the period of the mandatory water supply shortage condition. The decision of the City Administrator will be final.  
(3849-1/10)

**14.18.110 Violation – Penalty.** (3849-1/10)

- a. Any person violating this chapter shall be guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the county jail for a period not to exceed six (6) months, or by both fine and imprisonment. Each day that a violation of this ordinance occurs is a separate offense. (3849-1/10)
- b. In addition to any fines, the City may install a water flow restrictor device of approximately one gallon per minute capacity for service up to one and one-half inch size and comparatively sized restrictors for larger services after written notice of intent to install a flow restrictor for a minimum of forty-eight (48) hours.  
(3849-1/10)
- c. A person or entity that violates this ordinance is responsible for payment of the City's charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service per the City's schedule of charges then in effect. The charge for installing and/or removing any flow restricting device

must be paid to the City before the device is removed. Nonpayment will be subject to the same remedies as nonpayment of basic water rates.  
(3849-1/10)

- d. In addition to any fines and the installation of a water flow restrictor, the City may disconnect a customer's water service for willful violations of mandatory restrictions in this chapter. (3849-1/10)

**14.18.120 Severability.** (3849-1/10)

If any section, subsection, sentence, clause or phrase in this chapter is for any reason held invalid, the validity of the remainder of the chapter will not be affected. The City of Huntington Beach hereby declares it would have passed this chapter and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or is declared invalid. (3849-1/10)